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10/038,684	01/08/2002	Christopher Hugh Muldrow	P07356US00/RFH	9049
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STITES & HARBISON PLLC 1199 NORTH FAIRFAX STREET SUITE 900 ALEXANDRIA, VA 22314			ONYEZIA, CHUKS N	
			ART UNIT	PAPER NUMBER
			3692	

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/038,684

Applicant(s)

MULDROW ET AL.

Examiner

Chuks Onyezia Esq.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 20060903 04/08/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

*Specification*

1. The use of the trademarks "PYTHON", "MICROSOFT ACCESS", "MY SQL DATABASE", and "ZOE" has been noted in this application. They should be capitalized wherever they appears and be accompanied by the generic terminology.

Although the use of trademarks are permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

2. The disclosure is objected to because of the following informalities: the initial mention of an acronym should be preceded by its full meaning or phrase in which it is derived, as shown by line 8 paragraph [0034] of present application; the use of "SQL" (line 5 paragraph [0031]), "HTTP" (line 6 paragraph [0034]), "ZOE" (line 1 paragraph [0036]), "DBI" (line 5 paragraph [0047]), and "ODBC" (line 11 paragraph [0047]) make no mention of the full meaning or phrase in which it is derived from.

Appropriate correction is required.

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***Claim Objections***

3. Claims 1 and 9 are objected to because of the following informalities:

a. claim 1 recites using the street number a sole query term, 'as' should follow number;

b. claim 1 makes multiple references to "using a wireless communication device" however, it is indefinite whether the applicant is claiming that the interested party is using the wireless communication device or the step of receiving is using the wireless communication device; and

c. claim 9 recites the limitation "the predetermined area" in line 7, there is insufficient antecedent basis for this limitation in the claim;

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 17 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim

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contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claim recites "an interested party inputs a street number using a wireless communication device to initiate a request; an information provider receives the request . . . and using said wireless communication device, sends the interested party a list", however, the specification lacks a sufficient amount of direction, guidance, or working examples to enable the use of a wireless communication device, owned and used by the interested party, by both the interested party and the service provider. The disclosure contains no support on how the wireless communication device is shared, nor would one skilled in the art have understood how to facilitate the joint use of the wireless communication device.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 17 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and

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distinctly claim the subject matter which applicant regards as the invention.

8. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 17 provides for the use of one wireless communication device by both an interested party and an information provider, where the claim recites "an interested party inputs a street number using a wireless communication device to initiate a request; an information provider receives the request . . . and using said wireless communication device, sends the interested party a list", but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to use that will allow the information provider use or access to the wireless communication device of the interested party. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blumberg et al., U.S. Patent No. 6,385,541 in view of Grempler, U.S. Patent No. 3,403,246.

11. As per claim 1, Blumberg teaches a method for providing real estate information to an interested party, said method comprising the steps of: receiving a real estate information request, i.e. after selecting the property type, . . . the search type screen displays a menu of search options, including search by town, search by zip code, search by present location, and search by street address (see column 5 line 25); from the interested party using a wireless communication device, i.e. the wireless device is a hand-held electronic device (see column 3 line 13); querying a database of properties for sale within a predetermined area i.e. user can narrow the geographic scope of the search by selecting a predefined radius (see column 5 line 32); automatically generating a list of street names for sale within the predetermined area and sending the list of street names to the interested party using the wireless communication device, i.e. user sees a location screen which contains a

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plurality of street addresses (see column 4 line 23, it is well know by those skilled in the art that a street address contains details of number, street and town where an office is or a person lives see Dictionary of Hotels, Tourism and Catering Management, Peter Collin Publishing 1994) location screen displays several possible addresses in the vicinity of the user, however, the list is not limited to three items as shown (see column 4 line 28); receiving a selected street name from the interested party using the wireless communication device, i.e. the user can select one of the other listed properties (see column 4 line 33); and providing real estate information pertaining to a property for sale having the street number and selected street name to the interested party using the wireless communication device, i.e. after the user selects the desired property an information selection screen is displayed . . . with selections such as sale price, historical data, voice description, and graphics (see column 4 line 42).

Blumberg does not teach receiving a street number, using the street number as a sole query term, or generating a list of street names having properties with the street number for sale.

Grempler teaches receiving a street number, using the street number as a sole query term, and generating a list of street names having properties with the street number for sale,



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i.e. If cards having a particular multiple-list number or a particular street number are desired, the control button would be depressed to switch control to the SEARCH side of the panel. Selection of the particular multiple-list or street number card would be obtained by depression of particular numbers on the selector buttons on the SEARCH side of the panel (see column 3 line 21; examiner is interpreting this to mean using street number as a sole criteria to search for property if so desired, and the selection of particular street number card is a functional list of addresses).

Blumberg teaches it would be desirable for a prospective buyer to be able to access information relating to a piece of property as the buyer was present at the property at any time (see column 1 line 67). It would have been obvious for one of ordinary skill in the art at the time the invention was made to combine street number, as a query term, to the system and method for accessing a real estate database over a communications network via a wireless device of Blumberg, for the advantage of reducing the time and effort user expends inputting the information, making the inputting more convenient, and creating a more user-friendly functionality in accessing property information.

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12. As per claim 2, Blumberg in view of Grempler teaches the method of claim 1 as mentioned above. Blumberg further teaches the step of providing the interested party with an option to communicate with a listing broker associated with the property using the wireless communication device, i.e. the user can select to call an agent item and the user will be connected to a call center or Realtor-connected office to receive additional instruction or information (see column 4 line 38; examiner interprets the connection of user to the realtor, as a result of the property search, an association to the property), it is known to one skilled in the art at the time of invention that a Realtor is a real estate agent, or broker (see Rawson's Dictionary of Euphemisms and Other Doubletalk 1995) and that a realtor-connected office will contain a listing realtor.

13. As per claim 3, Blumberg in view of Grempler teaches the method of claim 2 as mentioned above. Blumberg further teaches the step of providing the interested party with an option to communicate with the listing broker comprises facilitating a telephone connection between the interested party and the listing broker, i.e. the user can select to call an agent item and the user will be connected to a call center or Realtor-connected office to receive additional instruction or information (see column 4 line 38).

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14. As per claim 4, Blumberg in view of Grempler teaches the method of claim 2 as mentioned above. Blumberg further teaches the step of providing the interested party with an option to communicate with the listing broker comprises facilitating e-mail messaging between the interested party and the listing broker, i.e. the user can select to call an agent item and the user will be connected to a call center or Realtor-connected office to receive additional instruction or information (see column 4 line 38). Examiner takes official notice that e-mail messaging is a well-known communication means. It would have been obvious for one of ordinary skill in the art at the time the invention was made to exchange communication by telephone with e-mail messaging for the advantage of making use of another well-known communication means.

15. As per claim 5, Blumberg in view of Grempler teaches the method of claim 1 as mentioned above. Blumberg further teaches the real estate information is sent in a form to be visibly perceived, i.e. selecting the graphics item will display any available graphics, e.g., floor plans, exterior or interior views, or walkthroughs, relating to the property (see column 4 line 55).

16. As per claim 6, Blumberg in view of Grempler teaches the method of claim 1 as mentioned above. Blumberg further teaches

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the real estate information is sent in a form to be audibly perceived, i.e. Electing the voice description option will play back a spoken description of the property or live help (see column 4 line 53).

17. As per claim 7, Blumberg in view of Grempler teaches the method of claim 1 as mentioned above. Blumberg further teaches the wireless communication device comprises a telephone, i.e. the wireless device can include a cellular telephone (see column 3 line 18).

18. As per claim 8, Blumberg in view of Grempler teaches the method of claim 1 as mentioned above. Blumberg further teaches the wireless communication device comprises a handheld computer, i.e. wireless device can also connect to the network 14 in order to access the database preferably, the wireless device is a hand-held electronic device (see column 3 line 10).

19. As per claim 9, Blumberg teaches a method for retrieving real estate information to an interested party, said method comprising the steps of: initiating a query request by an interested party, i.e. after selecting the property type, . . . the search type screen displays a menu of search options, including search by town, search by zip code, search by present location, and search by street address (see column 5 line 25); inputting using a wireless communication device, i.e. the

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wireless device is a hand-held electronic device (see column 3 line 13); receiving a list of street names having properties for sale within the predetermined area i.e. user can narrow the geographic scope of the search by selecting a predefined radius (see column 5 line 32); listing having been generated automatically by querying a database of properties for sale within a predetermined area, i.e. user sees a location screen which contains a plurality of street addresses (see column 4 line 23) location screen displays several possible addresses in the vicinity of the user, however, the list is not limited to three items as shown (see column 4 line 28); selecting a street name by the interested party using the wireless communication device, i.e. the user can select one of the other listed properties (see column 4 line 33); and receiving real estate information pertaining to a property having the street number and selected street name through the wireless communication device, i.e. after the user selects the desired property an information selection screen is displayed . . . with selections such as sale price, historical data, voice description, and graphics (see column 4 line 42).

Blumberg does not teach inputting a street number, receiving a list of street names having properties with the

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street number for sale, or using the street number as a sole query term.

Grempier teaches inputting a street number, receiving a list of street names having properties with the street number for sale, and using the street number as a sole query term, i.e. If cards having a particular multiple-list number or a particular street number are desired, the control button would be depressed to switch control to the SEARCH side of the panel. Selection of the particular multiple-list or street number card would be obtained by depression of particular numbers on the selector buttons on the SEARCH side of the panel (see column 3 line 21; examiner is interpreting this to mean using street number as a sole criteria to search for property if so desired, and the selection of particular street number card is a functional list of addresses).

Blumberg teaches it would be desirable for a prospective buyer to be able to access information relating to a piece of property as the buyer was present at the property at any time (see column 1 line 67). It would have been obvious for one of ordinary skill in the art at the time the invention was made to combine street number, as a query term, to the system and method for accessing a real estate database over a communications network via a wireless device of Blumberg, for the advantage of

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reducing the time and effort user expends inputting the information, making the inputting more convenient, and creating a more user-friendly functionality in accessing property information.

20. As per claim 10, Blumberg in view of Grempler teaches the method of claim 9 as mentioned above. Blumberg further teaches the step of receiving an offer to contact a listing broker associated with the property, the offer being provided to the interested party via the wireless communication device; and communicating directly with the listing broker via the wireless communication device, i.e. the user can select to call an agent item and the user will be connected to a call center or Realtor-connected office to receive additional instruction or information (see column 4 line 38; examiner interprets the connection of user to the realtor, as a result of the property search, an association to the property), it is known to one skilled in the art at the time of invention that a Realtor is a real estate agent, or broker (see Rawson's Dictionary of Euphemisms and Other Doubletalk 1995) and that a realtor-connected office will contain a listing realtor.

21. As per claim 11, Blumberg in view of Grempler teaches the method of claim 9 as mentioned above. Blumberg further teaches the real estate information received through the wireless

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communication device is perceivable by the interested party in a visible form, i.e. selecting the graphics item will display any available graphics, e.g., floor plans, exterior or interior views, or walkthroughs, relating to the property (see column 4 line 55).

22. As per claim 12, Blumberg in view of Grempler teaches the method of claim 9 as mentioned above. Blumberg further teaches the real estate information received through the wireless communication device is perceivable by the interested party in an audible form, i.e. Electing the voice description option will play back a spoken description of the property or live help (see column 4 line 53).

23. As per claim 13, Blumberg in view of Grempler teaches the method of claim 9 as mentioned above. Blumberg further teaches the wireless communication device comprises a telephone, i.e. the wireless device can include a cellular telephone (see column 3 line 18).

24. As per claim 14, Blumberg in view of Grempler teaches the method of claim 9 as mentioned above. Blumberg further teaches the wireless communication device comprises a handheld computer, i.e. wireless device can also connect to the network in order to access the database. Preferably, the wireless device is a handheld electronic device (see column 3 line 10).



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25. As per claim 15, Blumberg in view of Grempler teaches the method of claim 9 as mentioned above. Blumberg further teaches initiating a query request by the interested party as an oral input, i.e. database includes textual data and in others a recorded or live voice description or voice-activated prompts of a description of the property (see column 3 line 35; examiner interprets the retrieving method as having two stages, stage one inputting street number to provide a list of street names, and stage two inputting street name from list, Blumberg uses voice-activation for stage two). It would have been obvious for one of ordinary skill in the art at the time the invention was made to apply voice-activation to stage one for the advantage sought in its application to stage two (see column 3 line 39).

26. As per claim 16, Blumberg in view of Grempler teaches the method of claim 9 as mentioned above. Blumberg further teaches the steps of selecting a street name comprises inputting the street name by the interested party as an oral input, i.e. database includes textual data and in others a recorded or live voice description or voice-activated prompts of a description of the property (see Blumberg column 3 line 35).

27. As per claim 17, Blumberg teaches An interactive method for providing real estate information, wherein: an interested party inputs using a wireless communication device to initiate a

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request, i.e. after selecting the property type, . . . the search type screen displays a menu of search options, including search by town, search by zip code, search by present location, and search by street address (see column 5 line 25), the wireless device is a hand-held electronic device (see column 3 line 13); an information provider receives the request queries a database of properties for sale within a predetermined area i.e. user can narrow the geographic scope of the search by selecting a predefined radius (see column 5 line 32); using said wireless communication device, sends the interested party a list of street names having properties that are for sale within the predetermined area, i.e. user sees a location screen which contains a plurality of street addresses (see column 4 line 23, it is well know by those skilled in the art that a street address contains details of number, street and town where an office is or a person lives see Dictionary of Hotels, Tourism and Catering Management, Peter Collin Publishing 1994) location screen displays several possible addresses in the vicinity of the user, however, the list is not limited to three items as shown (see column 4 line 28); interested party then selects street name and sends the selected street name to the information provider, i.e. the user can select one of the other listed properties (see column 4 line 33); and the information

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provider, responsive to receiving the selected street name, provides the interested party with real estate information pertaining to a property for sale having the street number and selected street name, i.e. after the user selects the desired property an information selection screen is displayed . . . with selections such as sale price, historical data, voice description, and graphics (see column 4 line 42).

Blumberg does not teach inputs a street number, using the street number as a sole query term, or sends the interested party a list of street names having properties with said street number.

Grempier teaches inputs a street number, using the street number as a sole query term, or sends the interested party a list of street names having properties with said street number, i.e. If cards having a particular multiple-list number or a particular street number are desired, the control button would be depressed to switch control to the SEARCH side of the panel. Selection of the particular multiple-list or street number card would be obtained by depression of particular numbers on the selector buttons on the SEARCH side of the panel (see column 3 line 21; examiner is interpreting this to mean using street number as a sole criteria to search for property if so desired,

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and the selection of particular street number card is a functional list of addresses).

Blumberg teaches it would be desirable for a prospective buyer to be able to access information relating to a piece of property as the buyer was present at the property at any time (see column 1 line 67). It would have been obvious for one of ordinary skill in the art at the time the invention was made to combine street number, as a query term, to the system and method for accessing a real estate database over a communications network via a wireless device of Blumberg, for the advantage of reducing the time and effort user expends inputting the information, making the inputting more convenient, and creating a more user-friendly functionality in accessing property information.

28. Claims 1, and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sealand et al., U.S. Patent No. 6,484,176 in view of Gremler, U.S. Patent No. 3,403,246.

29. As per claim 1, Sealand teaches a method for providing real estate information to an interested party, said method comprising the steps of: receiving a real estate information request, i.e. interactively sending search parameters to the search engine (see column 11 line 61); from the interested party using a wireless communication device, i.e. process for

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providing remote interactive access to a real estate information database using a portable computing device (see column 11 line 45); querying a database of properties for sale within a predetermined area i.e. four search parameters need be specified, a search area or neighborhood, a class, such as "Single Family Residential," the status of the property, such as "Active," and a "Search By" characteristics (see column 7 line 40); automatically generating a list of street names for sale within the predetermined area and sending the list of street names to the interested party using the wireless communication device, i.e. If the search results indicate a match between the search parameters and one or more listing record in the database, the search results are displayed . . . the search results are displayed as a simple list of properties (see column 7 line 59; examiner interprets search results as being displayed as property addresses which include street names) displaying the received listing records on the portable computing device (see column 12 line 1); receiving a selected street name from the interested party using the wireless communication device, i.e. if more details of a found property listing are requested, a detailed search request is executed (see column 8 line 5); and providing real estate information pertaining to a property for sale having the street number and selected street name to the

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interested party using the wireless communication device, i.e. the detailed search results are received and displayed (see column 8 line 10).

Sealand does not teach receiving a street number, using the street number as a sole query term, or generating a list of street names having properties with the street number for sale.

Grempler teaches receiving a street number, using the street number as a sole query term, and generating a list of street names having properties with the street number for sale, i.e. If cards having a particular multiple-list number or a particular street number are desired, the control button would be depressed to switch control to the SEARCH side of the panel. Selection of the particular multiple-list or street number card would be obtained by depression of particular numbers on the selector buttons on the SEARCH side of the panel (see column 3 line 21; examiner is interpreting this to mean using street number as a sole criteria to search for property if so desired, and the selection of particular street number card is a functional list of addresses).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to use Grempler's teaching, of street number as a search parameter, with Sealand's teachings of a process for providing remote interactive access

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to a real estate information database using a portable computing device, for the advantage of identifying and describing various characteristic of a property in a standard, pre-defined format, which can be easily and accurately searched (see Sealand column 1 line 27).

30. As per claim 7, Sealand in view of Grempler teaches the method of claim 1 as mentioned above. Sealand further teaches the wireless communication device comprises a telephone, i.e. the PCD could be incorporated as part of the new generation of cellular telephones, known as Smart Phones and similar devices, which integrate the functionality of a PDA with the features of a cellular telephone (see column 5 line 60).

31. As per claim 8, Sealand in view of Grempler teaches the method of claim 1 as mentioned above. Sealand further teaches the wireless communication device comprises a handheld computer, i.e. the PCD could also be a handheld personal computer (see column 5 line 53).

### **Conclusion**

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

i. Hartz, Jr. et al., U.S. Patent No. 6,636,803 teaches a search and retrieval system including a data terminal, equipped data-enabled mobile phone, which displays icons representing

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properties in a given real-estate market on a digital map, selectable icons, representing information derived from an MLS or other database are displayed in association with the map.

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuks Onyezia Esq. whose telephone number is 571-270-1372. The examiner can normally be reached on first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Nolan can be reached on 571-272-0847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.




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PATRICK J. NOLAN, PH.D.  
SUPERVISORY PATENT EXAMINER